

LAW OFFICE OF BRIAN L. GREBEN

316 Great Neck Road
Great Neck, NY 11021

Office: (516) 304-5357
Fax: (516) 726-8425

www.grebenlegal.com

brian@grebenlegal.com

February 26, 2021

Via ECF

Judge Steven L. Tiscione
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Star Auto Sales of Queens LLC v. Hanie Iskander et al.*
Case No. 19 cv 6791 (RPK)

Dear Judge Tiscione:

My firm was retained by defendants last week to represent them in the above-referenced action. Please allow this letter to serve as defendants' request that the depositions of Douglass Filardo and defendant Nagwa F. Youseif, currently scheduled for March 2 and March 17, 2021, respectively, be stayed until after the determination of our pending motion to dismiss.

The Complaint at issue is entirely about the actions and omissions of Douglass Filardo, who was not named as a defendant because his inclusion would destroy diversity jurisdiction. We have filed a motion seeking permission from District Court Judge Rachel P. Kovner to move for dismissal of the case for failure to include Filardo as a defendant, as well as for the Complaint's pleading deficiencies/failure to state a cause of action. As alternative relief, defendants requested leave of court on serve a Third-Party Complaint upon Filardo. A copy of our request for permission to make this motion is annexed hereto as Exhibit "A."

The depositions were scheduled before the undersigned was retained. There is no question that if the case survives dismissal, the deposition of Filardo is utterly essential. However, because I have come into this case so recently, and because no discovery with respect to Filardo has been exchanged, I am not prepared to take such an important deposition at this time. It should be noted that in the slightly over one-week since my retention, I have been largely occupied with other matters, include mediations and trial preparation. It does not make sense to depose the key individual in this action under these circumstances, and I do not want to have to seek permission to re-depose Filardo after discovery has been exchanged and I am more familiar with the key facts. Moreover, if Judge Kovner grants my motion, the case will either be dismissed, or Mr. Filardo will be brought in as a party.

Plaintiff's counsel refused to consent to the relief I am seeking herein, supposedly at plaintiff's insistence. This is the first time we have requested that the pending depositions be adjourned.

Judge Steven L. Tiscione

February 26, 2021

-2-

We thank you for your time and consideration.

Respectfully submitted,

/s/ Brian L. Greben

Brian L. Greben

cc: All current counsel of record (via ECF)